

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PEARSON EDUCATION, INC. AND :
JOHN WILEY & SONS, INC., :

Plaintiffs, :

-against- :

08 Civ. 6803 (DLC)
ECF Case

JOHN DOE D/B/A SHARP BOOKS :
AND JOHN DOES NOS. 1-5, :

Defendants. :

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PLAINTIFFS' EX PARTE APPLICATION FOR AN
ORDER ALLOWING SERVICE BY E-MAIL ON
DEFENDANT JOHN DOE D/B/A SHARP BOOKS
AND AUTHORIZING THE ISSUANCE OF
SUBPOENAS TO DETERMINE THE IDENTITIES
AND LOCATIONS OF DEFENDANTS

Plaintiffs hereby move pursuant to Rules 4(e)(1)
and 26(d) of the Federal Rules of Civil Procedure for an
order (i) allowing service by e-mail of the summons and
complaint on defendant John Doe d/b/a Sharp Books, and (ii)
authorizing plaintiffs to serve subpoenas on AbeBooks Inc.,
PayPal, Inc. and Google Inc. to determine the identities
and locations of defendants, which are presently unknown to
plaintiffs.

The basis for this application is set forth in
the accompanying declaration of William Dunnegan, sworn to
August 11, 2008.

A proposed order is annexed.

Dated: New York, New York
August 11, 2008

DUNNEGAN LLC

By William Dunnegan
William Dunnegan (WD9316)
Laura Scileppi (LS0114)
Attorneys for Plaintiffs
Pearson Education, Inc. and
John Wiley & Sons, Inc.
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	:	
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ORDER ALLOWING SERVICE BY E-MAIL AND
SERVICE OF SUBPOENAS TO ASCERTAIN THE
IDENTITY AND LOCATION OF DEFENDANTS

Upon the application of plaintiffs Pearson Education, Inc. and John Wiley & Sons, Inc., as set forth in the annexed declaration of William Dunnegan, dated August 11, 2008, for an order (i) pursuant to Rule 4(e)(1) of the Federal Rules of Civil Procedure allowing service by e-mail of the summons and complaint on defendant John Doe d/b/a Sharp Books ("Sharp Books") in this action, and (ii) pursuant to Rule 26(d) of the Federal Rules of Civil Procedure allowing service of subpoenas on Abebooks Inc. ("Abebooks"), PayPal, Inc. ("PayPal") and Google Inc. ("Google") to ascertain the true identities and locations of defendants Sharp Books and John Doe Nos. 1-5, and good cause for that relief appearing, it is hereby

ORDERED, pursuant to Rule 4(e)(1) of the Federal Rules of Civil Procedure, that plaintiffs may serve the summons and complaint in this action upon defendant Sharp Books by e-mailing a copy of each, along with a copy of this order, in .pdf format to the e-mail address Sharpbooks@gmail.com; and it is further

ORDERED that service shall be deemed complete upon the filing of a declaration with the Clerk of the Court affirming that the e-mail has been sent in conformity with this order; and it is further

ORDERED, pursuant to Rule 26(d) of the Federal Rules of Civil Procedure, that plaintiffs may serve subpoenas on AbeBooks, PayPal and Google to identify and locate defendants Sharp Books and John Does Nos. 1-5 in this action.

Dated: New York, New York
August __, 2008

U.S.D.J.